

E.D.N.Y.
98-CR-1101
Glasser, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 12th day of April, two thousand eighteen.

PRESENT:

José A. Cabranes,
Rosemary S. Pooler,
Denny Chin,
Circuit Judges.

RICHARD ROE, JANE DOE, JOHN DOE 2,

Respondent-Appellant,

v.

UNITED STATES OF AMERICA,

Appellee,

ORDER
No. 10-2905

JOHN DOE,

Defendant-Appellee.

RICHARD ROE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent,

v.

No. 11-479

JOHN DOE1, JOHN DOE 2,

Defendants.

The appeals in the two above-captioned cases were initiated principally by Appellant Richard Roe in July 2010 to challenge decisions by District Court Judge I. Leo Glasser in *United States v. Sater*, 98-cr-1101, regarding Roe's disclosure of certain documents relating to defendant Felix Sater's prosecution.

On February 14, 2011, this Court denied a petition for a writ of mandamus filed by Roe in Docket No. 10-2905 that sought to require Judge Glasser to make public the *Sater* criminal case docket. In its February 14, 2011 order, the Court directed that a special master be appointed in the District Court "with the limited mandate of implementing and overseeing compliance with our orders and the orders previously entered by Judge Glasser." (No. 10-2905, Doc. 96, at 5.) At the same time, the Court made clear that "[o]f course, Judge Glasser, an experienced and able jurist who has shown admirable patience and forbearance in the face of extraordinary provocations, shall retain jurisdiction over the underlying (and long-lived) criminal proceeding involving [Sater]." (*Id.*)

On April 19, 2011, this Court issued another order in Docket No. 10-2905, confirming that, "pursuant to our order of February 14, 2011 and to this order, the District Court retains jurisdiction to decide the government's motion to unseal, as well as to decide any other pending or future motions to unseal that would not result in the public disclosure of docket entries or underlying documents that reference [Sater's] cooperation with the government." (No. 10-2905, Doc. 195, at 2 (emphasis in original).)

On March 22, 2017, Forbes Media LLC and Richard Behar ("Intervenors") moved to intervene and unseal documents on the above-referenced dockets. This Court appointed District Judge Pamela K. Chen of the United States District Court for the Eastern District of New York as special master, pursuant to Federal Rule of Appellate Procedure 48(a), to review and issue a report and recommendation with respect to the Intervenors' unsealing motions.

On February 9, 2018, this Court resolved the Intervenors' unsealing motions by adopting in full Judge Chen's Special Master Report, which, *inter alia*, made recommendations regarding the unsealing of documents filed in the above-referenced dockets. This Court also authorized Judge Chen to determine whether to unseal documents that had been filed on two civil dockets in the District Court that were created solely for the purpose of litigating the Intervenors' unsealing motions. (No. 10-2905, Doc. 495, at 2-3.)

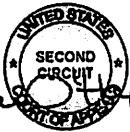
On March 19, 2018 and March 29, 2018, Roe's attorney, Richard Lerner, filed motions in *United States v. Sater* seeking to unseal transcripts of two conferences held before Judge Glasser in 2011.

The Court issues this order to clarify that, consistent with the Court's February 14, 2011 and April 19, 2011 orders, Judge Glasser retains the authority to decide the pending unsealing motions in *United States v. Sater* as well as all future motions in that case.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

Catherine O'Hagan Wolfe

The seal of the United States Second Circuit Court of Appeals is a circular emblem. It features the words "UNITED STATES" at the top and "SECOND CIRCUIT" in the center, with "COURT OF APPEALS" at the bottom. The seal is partially overlaid by the signature of Catherine O'Hagan Wolfe.